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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,325	10/14/2003	Gary F. Bartlett	A35984-070121.0572	7244
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EXAMINER KWEXINSKI,RYAN D				
ART UNIT 3635		PAPER NUMBER		
NOTIFICATION DATE 04/25/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM

### Office Action Summary

**Application No.**

10/686,325

**Applicant(s)**

BARTLETT ET AL.

**Examiner**

RYAN D. KWIECINSKI

**Art Unit**

3635

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18-29 and 32-34 is/are pending in the application.  
4a) Of the above claim(s) 6-13 and 18-29 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5, 14-16 and 32-34 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

**Claims 3 and 14-16 are objected to because of the following informalities:**

**Claim 3, line 2**, it appears that "extending" should read –extends--.

**Claim 14, lines 9-10**, it appears that "such the separate" should read –such that the separate--.

**Claims 15 and 16**, the preamble should read –The door of claim 14--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,643,991 B1 to Moyes in view of US 3,271,919 to Olton in view of US 1,694,522 to Victor.**

#### **Claim 1:**

Moyes discloses an edge construction for a door, the door having a first edge and a second edge (left and right, Fig.5), the edge construction comprising:

a replaceable stile member (302, Fig.5E), the stile member comprising a straight member having an outer surface (surface adjacent 306, Fig.5E), first and second opposing longitudinal inner edges (304', Fig.5E) and a longitudinal extending spline (304, Fig.5E); and

a cover (310, Fig.5E) disposed on the replaceable stile.

Moyes does not disclose a tapered spline;

each longitudinal inner edge having an indent; nor does he disclose

a cover including first and second opposing flanges disposed on the replaceable stile such that the first and second opposing flanges are received in the indents formed in the first and second longitudinal inner edges of the replaceable stile member.

Victor discloses a replaceable stile with a taper spline (15, Fig.4).

Olton discloses a cover (14, Fig.3) including first and second opposing flanges (15,16, Fig.3) disposed on the replaceable stile such that the first and second opposing flanges are received in the indents (20,21, Fig.3) formed in the first and second longitudinal inner edges of the replaceable stile member.

The recitation "configured to be readily removable from a core member of a door" is a capability recitation and does not add further structural limitation to the edge construction of the door.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the vertical stile member of Moyes with indents on the inner edges of the stile and also to have formed the spline with a taper. The taper of the spline will allow the spline to be easily inserted into the groove of the core of the

door. The tapered edges will ensure the stile and the core meet snugly and prevent the stile from separating from the core as taught by Victor. It is also obvious to place a cover on the stile of Moyes with indents on the stile so the cover can be properly connected to the stile of the door as taught by Olton. The cover will prevent the stile from being damaged from any impact that the edge of a door might undergo.

**Claim 2:**

Moyes in view of Victor in view of Olton discloses the door edge construction of claim 1, Moyes also discloses wherein the longitudinally extending spline of said replaceable stile member is engaged to a permanent part of a door by a tongue and groove connection (304,323, Fig.5E).

**Claim 3:**

Moyes in view of Victor in view of Olton discloses the door edge construction of claim 2, Moyes also discloses said tongue-and-groove connection extends along an entire length (5E) of the replaceable stile member and the permanent part of the door.

**Claims 4-5 and 33:**

Moyes in view of Victor in view of Olton discloses the door edge construction of claim 1, Olton also discloses wherein the cover is formed of resilient material (Column 5, lines 70-75) such as stainless steel (Column 5, lines 30-35); and

wherein the cover is removable from said replaceable stile (Column 3, lines 45-60; fastening means are inserted into the grooves with engages the cover with the sides of the groove).

**Claims 14, 16, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,643,991 B1 to Moyes in view of US 3,271,919 to Olton.**

**Claim 14:**

Moyes discloses a rectangular door (30, Fig.5E) having vertical and horizontal edges (Fig.5), and a replaceable edge construction (302, Fig.5E) along the vertical edge of said door comprising:

a longitudinal groove (323, Fig.5E) formed in an outer surface of said vertical edge of the door,

a separate stile member (302, Fig.5E) disposed adjacent and exterior to the vertical edge of said door and having a length substantially the same as said vertical edge, the stile member having a longitudinal spline (304, Fig.5E) formed along one surface thereof and opposing longitudinal inner edges (304', Fig.5E),

said spline mating with said groove in said vertical edge of the door to form a tongue-and-groove coupling (304,323, Fig.5E) between said vertical edge of the door and said separate stile member.

Moyes does not disclose opposing longitudinal edges of the stile having indents, nor does he disclose a cover member disposed over an out surface of said stile

member, the cover member having first and second flanges received in the longitudinal indent of each of the opposing longitudinal inner edges of the stile member.

The recitation "such that the separate stile member is readily removable from the vertical edge of the door" is a capability recitation and does not add further structural limitation to the edge construction of the door.

Olton discloses opposing longitudinal edges of the stile having indents (28,29, Fig.3) and a cover member (14, Fig.3) disposed over an out surface of said stile member (Fig.3), the cover member having first and second flanges (15,16, 20,21, Fig.3) received in the longitudinal indent of each of the opposing longitudinal inner edges of the stile member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the stile of Moyes with indents and a cover for the stile taught by Olton. The indents formed on the stile allow the cover to be placed and secured over top of the stile to protect the door edges from being damaged from any impact that the edge of a door might undergo.

#### **Claims 16 and 34:**

Moyes in view of Olton disclose the door edge construction of claim 14, Olton also discloses wherein said cover member is formed of a resilient material (Column 5, lines 70-75) shaped to conform to the outer surface of said stile member; and wherein the cover is formed of stainless steel (Column 5, lines 30-35).

**Claim 32:**

Moyes in view of Olton discloses the door of claim 14, Moyes also discloses wherein the rectangular door has a second vertical edge (side opposite 302, not shown Fig.5E) with a groove defined therein and a second stile member with a spline formed along a surface, wherein the spline is in mating cooperation with the groove of said second vertical edge (second side has the construction of 302; see Fig.2).

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,643,991 B1 to Moyes in view of US 3,271,919 to Olton in view of US 4,807,396 to Heikkinen.**

**Claim 15:**

Moyes in view of Olton discloses the door of claim 14, they do not disclose further comprising removable fastening means releasably securing said stile member to said vertical edge.

Heikkinen discloses removable fastening means (88, Fig.2) releasably securing a door edge member to an edge of a door.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a removable fastener to secure the stile of Moyes to the edge of the door taught by Heikkinen in order firmly secure the stile to the edge of the door but also to be able to easily remove the stile in case the stile needed replaced



due to damage caused to the door edge. Using removable fasteners such as screws is well known in the art of doors for securing framing members together to form a solid door structure.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5, 14-16, and 30-32 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Moyes in view of Olton would not have been an obvious combination, this argument is not persuasive. Moyes shows a door with a replaceable stile on the vertical edges of the door and Olton shows a door with a protective cover over the outer vertical edge of the door with indent in the door to hold the cover in place. It would have been obvious to have combined the two with a protective cover on the outer edge of the stile of Moyes to protect the stile while forming the indents on the edges of the stile in order for the cover to be snugly secured to the exterior surface of the stile.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

/Ryan D Kwiecinski/  
Examiner, Art Unit 3635

/Robert J Canfield/  
Supervisory Patent Examiner, Art Unit 3635